

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

GEOTAG, INC.

Plaintiff

v.

ALLIED PROVIDENT INSURANCE INC.

Defendant

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CIVIL ACTION NO. 3:12-CV-2267-N

PLAINTIFF'S NOTICE OF DISMISSAL WITHOUT PREJUDICE

Plaintiff GeoTag, Inc. ("Plaintiff" or "GeoTag") files this Notice of Dismissal Without Prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(i).

Plaintiff is GeoTag, Inc. Defendant is Allied Provident Insurance Inc.

Plaintiff sued Defendant on June 15, 2012 in the 196th Judicial District Court of Hunt County, Texas in Cause No. 78258.

Defendant was served with process, removed the action to this Court on July 13, 2012, and filed a Motion to Dismiss under FRCP 12(b) on July 20, 2012. Defendant has not filed an answer or a motion for summary judgment. The defendant's filing of a motion to dismiss under FRCP 12(b) does not affect the plaintiff's right to a voluntary dismissal under FRCP 41(a)(1)(i). *Aamot v. Kassel*, 1 F.3d 441, 443-444 (6th Cir. 1993).

This case is not a class action, a receiver has not been appointed and this case is not governed by any federal statute that requires an order of the Court for dismissal of the case.

Plaintiff has not dismissed an action based on or including the same claims as those presented in this suit.

This dismissal is without prejudice.

Respectfully submitted,

/s/ Todd S. Spickard

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Counsel for Plaintiff GeoTag, Inc.

CERTIFICATE OF SERVICE

On July 30, 2012, I electronically submitted the foregoing document with the Clerk of the Court of the U.S. District Court, Northern District of Texas, using the electronic case filing system of the Court. I hereby certify that I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Todd S. Spickard

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